

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

UNITED STATES OF AMERICA )  
 )  
v. ) CASE NO. CR410-099  
 )  
WAYNE MUNGIN, )  
 )  
Defendant. )  
 )

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O R D E R

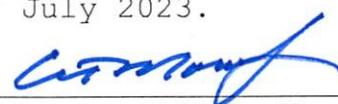
Before the Court is the Magistrate Judge's June 22, 2023, Report and Recommendation (Doc. 185), to which no objections have been filed. After a careful review of the record,<sup>1</sup> the report and recommendation (Doc. 185) is **ADOPTED** as the Court's opinion in this case. The Court finds that Defendant Wayne Mungin "is presently suffering from a mental disease or defect rendering him mentally incompetent," and "that there is a substantial probability that within [an] additional period of time he will attain the capacity to permit the proceedings to go forward[.]" 18 U.S.C. § 4241(d). Accordingly, it is the **JUDGMENT** of the Court that Defendant is committed to the custody of the Attorney General until "his mental condition is so improved that trial may

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<sup>1</sup> The Court reviews de novo a magistrate judge's findings to which a party objects, and the Court reviews for clear error the portions of a report and recommendation to which a party does not object. 28 U.S.C. § 636(b)(1); see Merchant v. Nationwide Recovery Serv., Inc., 440 F. Supp. 3d 1369, 1371 (N.D. Ga. 2020) (citing Macort v. Prem, Inc., 208 F. App'x 781, 784 (11th Cir. 2006) (per curiam)) (outlining the standard of review for report and recommendations).

proceed[.]" Id. The director of the facility to which he is committed is **DIRECTED** to notify this Court when Defendant has recovered to such an extent that he is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense by filing a certificate with the Clerk of this Court. 18 U.S.C. § 4241(e). If Defendant's competency is not restored and no certificate is filed, the director of the facility is **DIRECTED** to submit a report concerning Defendant's condition within six months from the date of this order. 18 U.S.C. § 4247(e)(1)(A). The director is further **DIRECTED** to submit such reports every six months thereafter until Defendant's competency is restored or until further ordered by the Court. Id.

SO ORDERED this 20<sup>th</sup> day of July 2023.



WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA